

VAAP Dumped Big Quantities of Waste

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Some 50 to 70 million gallons of water containing waste were dumped into Waconda Bay near the Volunteer Army Ammunition Plant a day, when the plant was operating at peak production, said Norl Hamilton, VAAP plant manager Thursday in U.S. District Court.

He also said at one time Atlas Chemical Industries, operator of VAAP, put a non-toxic blue dye into the bay to "mask a reddish tint that would occur in the summer, when the sun was shining."

Mr. Hamilton said the plant did not put red water directly into the bay but did dump condensate water from the evaporation of red water and "the condensate contains some nitro bodies."

Atlas is being sued for \$150,000 by James David Lee, who contends VAAP has rendered his property at Waconda Bay useless as a recreational area because of continued air and water pollution.

He is asking for \$50,000 compensatory damages, \$100,000 punitive damages and a permanent injunction against continued pollution by the plant.

Mr. Hamilton testified the plant is operated under a contract with the Department of the Army and all processes are approved by the government and any proposed expenditures must be approved by the government.

"The company has at times made recommendations for pollution abatement that the government has denied," he said.

BOUND BY LAWS

One of Lee's attorneys, Stan Guthrie, asked Mr. Hamilton if the contract did not contain a provision that the company is bound by all the laws. He answered it did.

Mr. Guthrie also asked if he was not aware of a TNT process developed in 1966 that would eliminate water pollution.

"We were aware of such a process but we are operating the facility under the direction of the United States government and there wasn't anything we could do," Mr. Hamilton said.

At that time Atlas was operating the plant on a cost-plus-fixed-fee basis, with all approved costs reimbursed by the government and a fixed fee based on the amount of TNT produced, he said.

INCENTIVE FEE

"The present contract provides a cost-plus-incentive-fee arrangement, with an incentive fee if costs are reduced," he said.

In other testimony Thursday, John Odom, former chief technical advisor for the Chattanooga-Hamilton County Air Pollution Board, said in 1967-68, VAAP was responsible for 52 per cent of the nitrogen oxide emissions in the four county region around the plant.

Mr. Hamilton said emissions from the plant have been reduced considerably in the last 1½ or two years and a cut in production is a factor in the reduction of emissions.

He told the court there is no proof the emissions from VAAP are responsible for fish kills or dead pine trees.

Lebovitz Faces Pollution Cases

The Water Quality Division, Tennessee Department of Public Health, has obtained two warrants from the criminal division of sessions court citing Moses Lebovitz, vice president of Independent Enterprises, Inc., on charges of water pollution violations.

The warrants charge that the Highway 58 Shopping Center, owned by Independent, discharged domestic wastewater (sewage) into an unnamed branch March 1 and March 9. The ditch, according to the charges, is routed through a residential section.

The warrants were taken Friday by John Campbell, chief biologist of the water quality division here. A hearing is scheduled at 1 p.m. Wednesday. Under the involved law, a penalty of a \$50 fine may be assessed for violation.

The shopping center was one of more than 100 places named late last year in a Water Quality Control Board report on polluters. The board said then the wastewater plant at the center was poor because the plant was not properly operated.